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June 21, 2006

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Via Facsimile

The Honorable J. Dennis Hastert, Speaker  
United States House of Representatives  
H-232, The Capitol  
Washington, DC 20515

The Honorable Nancy Pelosi, Minority Leader  
United States House of Representatives  
H-204, The Capitol  
Washington, D.C. 20515

The Honorable Bill Frist, Majority Leader  
United States Senate  
S-230, The Capitol  
Washington, DC 20510

The Honorable Harry Reid, Minority Leader  
United States Senate  
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Washington, DC 20510

The Honorable Joe Barton, Chair  
Committee on Energy and Commerce  
United States House of Representatives  
2109 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable John Dingell, Ranking Member  
Committee on Energy and Commerce  
United States House of Representatives  
2328 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Ted Stevens, Chair  
Committee on Commerce, Science & Technology  
United States Senate  
522 Hart Senate Office Building  
Washington, D.C. 20510

The Honorable Daniel Inouye, Ranking Member  
Committee on Commerce, Science & Technology  
United States Senate  
722 Hart Senate Office Building  
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The Honorable Arlen Specter, Chair  
Committee on the Judiciary  
United States Senate  
711 Hart Senate Office Building  
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The Honorable Patrick Leahy, Ranking Member  
Committee on the Judiciary  
United States Senate  
433 Russell Senate Office Building  
Washington, DC 20510

We, the undersigned State Attorneys General, have noted with grave concern the growing crisis of Internet-based sex crimes against children and, in particular, the problem of insufficient data retention policies by Internet Service Providers. While we

are generally opposed to national standards that impede our ability to respond to local circumstances, the national - if not global - scope of this problem is best suited for a federal response.

By now, you are probably aware of the risk our nation's children face every time they access the Internet. The statistics are staggering: one in five children is solicited for sex while online, with one in thirty three receiving an aggressive solicitation that involves off-line contact such as a meeting, phone calls or letters. Eighty percent of individuals found with child pornography have images or videos of children under the age of twelve. Forty percent of those images are of children under the age of six, and twenty percent are of infants under the age of three.

While the crisis continues to grow, so does the response of law enforcement. Appropriations for the Department of Justice in FY 2006 provide \$14 million in funding for the Internet Crimes Against Children (ICAC) program, comprised of 46 regional task forces that cover 49 States and the District of Columbia. States are also passing laws that allow law enforcement to go after predators specifically for their behavior while online. In Colorado, for example, the Attorney General's Office championed new legislation making it a felony to engage a child in a sexually explicit conversation then request a meeting for any purpose. Colorado law enforcement officers will no longer have to waste valuable time hoping the predator will show up for a meeting before an arrest can be made.

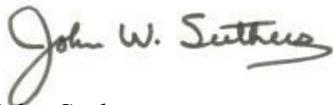
While law enforcement is doing more to catch online predators, their investigations often tragically dead-end at the door of Internet Service Providers (ISPs) that have deleted information critical to determining a suspect's name and physical location. Earlier this year, for example, an Internet crime investigator from Wyoming testified before Congress about his investigation of an online video showing the rape of a two year old girl. After four months of work, the investigator traced the video back to an ISP account in Colorado, only to find that that information relating to the user was purged by the ISP after 30 days as part of their standard data retention policy. As a result, the case was dropped and the suspect remains at large.

ISP data retention policies run the gamut, from as short as a few days to as long as a year or more. And while it would be premature for us to make a recommendation as to how long subscriber information and content should be retained, it is clear that something must be done to ensure that ISPs retain data for a reasonable period of time. Indeed, in a recent speech at the National Center for Missing and Exploited Children, United States Attorney General Alberto Gonzales asked experts in the Department of Justice to examine the data retention problem and to make recommendations for a solution. Attorney General Gonzales followed-up this speech by meeting with industry executives to urge them to retain records longer. We commend his efforts.

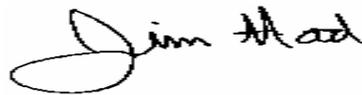
The technical issues surrounding data retention are extremely complex. Relevant issues include: what type of data should be stored; should different types of data or content have different retention standards; and whether different types of ISPs should be held to different standards. These are but a sampling of the issues that should be addressed.

Because ISPs are often national, if not global businesses, data retention requirements are better suited for federal legislation than state legislation that may vary by jurisdiction; a position supported by the National Center for Missing and Exploited Children. Accordingly, we call on Congress to dedicate the resources necessary to study this issue and to implement a meaningful national standard for ISP data retention that provides law enforcement with the tools necessary to combat the spread of internet-based crimes against children. In doing so, we encourage you to work with law enforcement at all levels of government and the ISP industry itself, and to adopt a standard that respects the legitimate privacy rights of citizens.

Sincerely,



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Attorney General of Colorado



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Attorney General of Mississippi



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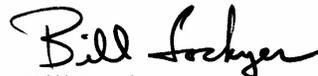
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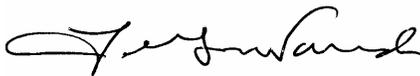
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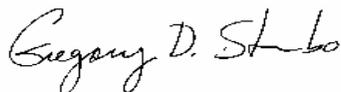
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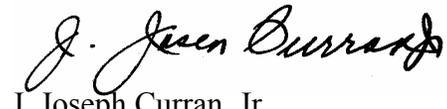


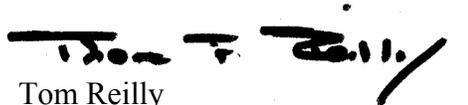
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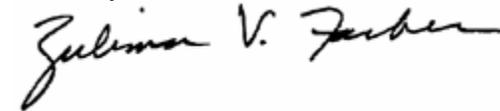
  
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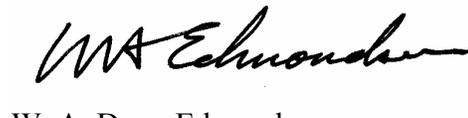
  
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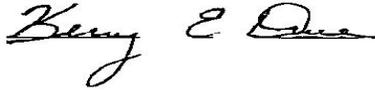
  
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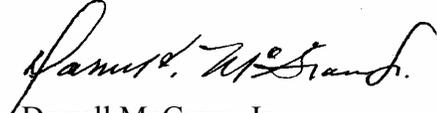
  
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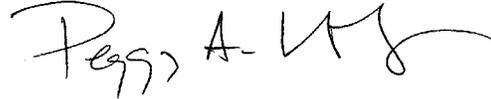
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